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OFFICE OF PETITIONS

In re Application of
Bortolini et al.
Application No. 09/766736
Filed: 01/22/2001
Attorney Docket No. Bortolini

DECISION ON PETITION

This is a decision on the "PETITION UNDER 37 CFR 1.47(A) TO ACCEPT THE FILING OF A RULE 131 DECLARATION IN THE ABSENCE OF ALL THE INVENTORS' SIGNATURES," filed September 14, 2006, which is properly being treated as a petition under 37 CFR 1.183 to waive the requirement that the inventors sign the Declaration set forth in 37 CFR 1.131.

Applicant's attorney stated that he forwarded a copy of the Rule 131 Declaration to the inventors at their last known addresses; however, they constructively refused to execute the Declaration. A review of the record indicates that on October 19, 2006, the Examiner mailed a final Office action, which stated:

The Declaration filed on September 14th, 2006 under 37 CFR 1.131 is sufficient to overcome the Amit reference. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

In view of the above, no further consideration of the matter is necessary. Accordingly, the petition is dismissed as involving a moot issue.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

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